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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff;
vs.
ANDRES RODRIGUEZ,
Defendant.

CASE NO.: 3:15-CR-00061-HDM-WGC

**ORDER GRANTING STIPULATION
AND PROPOSED ORDER TO
CONTINUE SENTENCING
(Ninth Request)**

Andres Rodriguez, by and through his counsel of record, Kathleen Bliss, Esq., of the law firm Kathleen Bliss Law PLLC; and the United States of America, by and through Assistant United States Attorney James Keller, hereby stipulate and request that the Court vacate Mr. Rodriguez's sentencing hearing currently set for July 18, 2018 and continue it to a later date, but no sooner than October 18, 2018. This stipulation is made and based upon the following:

1. On July 18, 2016, Mr. Rodriguez entered a plea of guilty to the Superseding Indictment charging him with, *inter alia*, Conspiracy to Distribute Drugs, in violation of 21 U.S.C. § 841, *et seq.*
2. On November 15, 2016, Probation distributed the PSR to the parties. Probation recommends that the Court sentence Mr. Rodriguez to life in prison, notwithstanding the 133-188 month range contemplated by the plea agreement. Mr. Rodriguez timely submitted objections to Probation, but Probation declined to amend its recommendation.
3. It will be necessary for counsel to prepare a sentencing memorandum. Given the

seriousness of the recommendation made by Probation, the sentencing memorandum must be complete with information related to the trial in this case of co-defendant Edward Smith, a/k/a Smitty, which is now set on September 18, 2018, as Mr. Smith's trial could affect Mr. Rodriguez's sentencing proceedings.

4. Mr. Rodriguez is in custody pending sentencing, but he does not object to this continuance.
 5. The additional time requested by this stipulation is reasonable pursuant to Fed. R. Crim. P. 32(b)(2), which states that the “court may, for good cause, change any time limits prescribed [for sentencing] in this rule.” Furthermore, a delay in sentencing does not implicate or undermine the defendant’s speedy trial rights under the United States Constitution. *See Betterman v. Montana*, 136 S.Ct. 1609, 1617-18 (2016).
 6. This is the ninth request for a continuance of the sentencing. The additional time requested herein is not sought for purposes of delay.
 7. Denial of this request for a continuance would deny counsel for Mr. Rodriguez sufficient time to effectively and thoroughly prepare for sentencing, taking into account due diligence. Accordingly, a denial of this request for continuance could result in a miscarriage of justice.

Dated this 11th day of May 2018.

/s/ James Keller

/s/ Kathleen Bliss

JAMES KELLER
Counsel for the United States

KATHLEEN BLISS
Counsel for Andres Rodriguez

ORDER

2 Based upon the stipulation of the parties, and good cause appearing, IT IS ORDERED
3 that Mr. Rodriguez's sentencing hearing currently set for July 18, 2018 at 10:00 a.m., is
4 VACATED.

5 IT IS FURTHER ORDERED that the sentencing hearing is reset for **October 24, 2018**, at
6 the hour of **10:00 a.m.** in **Reno Courtroom 4** before Judge Howard D. McKibben.

7 IT IS SO ORDERED.

9 || DATED: 5/14/2018

Howard D McRabb

HOWARD D. McKIBBEN,
Senior United States District Judge

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